

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**AMENDED JUDGMENT TO INCLUDE
ATTORNEYS FEES**

James Spencer,

Plaintiff,

vs.

CASE NUMBER: 6:03cv733 FJS/RFT

Commissioner of Social Security,

Defendant.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Report-Recommendation of Magistrate Judge Treece is ACCEPTED in its entirety, the Commissioner's decision denying disability benefits is VACATED AND REMANDED solely for the calculation of benefits, and it is further,

ORDERED AND ADJUDGED, that Plaintiff's motion for attorney's fees and costs under the EAJA is GRANTED in the amount of \$2,365.10. The Court orders the Defendant to pay this award directly to Plaintiff's attorney.

All of the above pursuant to the Decisions of Senior Judge Frederick J. Scullin, Jr., dated September 12, 2007, and April 15, 2009.

DATED: April 15, 2009



Laurence N. Marra
Clerk of Court

s/

Marie N. Marra
Deputy Clerk